

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

JANUARY 1998 SESSION

<p>FILED</p> <p>February 19, 1998</p> <p>Cecil Crowson, Jr. Appellate Court Clerk</p>
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JOSEPH C. HOLT,)
)
 Appellant,)
)
 v.)
)
 STATE OF TENNESSEE,)
)
 Appellee.)

No. 03C01-9705-CR-00186

Morgan County

Honorable E. Eugene Eblen, Judge

(Habeas Corpus)

For the Appellant:

Joseph C. Holt, Pro Se
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For the Appellee:

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 and
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OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joseph M. Tipton
 Judge

OPINION

The petitioner, Joseph C. Holt, appeals as of right the Morgan County Criminal Court’s denial of his petition for habeas corpus relief. He contends that his convictions for rape of a child are void because the indictment does not allege the required mens rea.

In 1994, the petitioner pled guilty to two counts of rape of a child. Each count of the indictment charged that the petitioner “did unlawfully engage in unlawful sexual penetration with . . . a child less than thirteen (13) years of age, in violation of T.C.A. 39-13-522, a Class A felony.” In State v. Hill, 954 S.W.2d 725 (Tenn. 1997), our supreme court held that this language was sufficient to charge the defendant with the mental state needed for rape, aggravated by the victim being less than thirteen years old. Thus, under Hill, the allegations in the indictment charge the offenses for which the petitioner was convicted.

After full consideration of the record, the briefs, and the law governing the issue presented, we are of the opinion that the trial court properly dismissed the petitioner’s petition for habeas corpus relief and that no precedential value would be derived from the rendering of a full opinion. Therefore, we conclude that the judgment of the trial court should be affirmed pursuant to Rule 20, Tenn Ct. Crim. App. R.

Joseph M. Tipton, Judge

CONCUR:

Gary R. Wade, Judge

William M. Barker, Judge